

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

Noelle et al.

Group Art Unit: 1644

Application Serial No. 09/835,126

Examiner: P. Gambel

Filed: April 16, 2001

Title: *Ex VIVO TREATMENT OF ALLOGENIC AND XENOGENIC DONOR T CELLS CONTIANING COMPOSITIONS (BONE MARROW) USING GP39 ANTAGONISTS AND USE THEREOF*

* * * * *

ELECTION RESPONSE

Hon. Commissioner of Patents
Washington, D.C. 20231

Sir:

In response to the Office Action [Election of Species Requirement] Applicants elect for purposes of examination alloantigen bearing cells and as the CD40 antagonist an antibody to CD40L (gp39).

The Election is with traverse. As the species are related and the two types of CD40L antagonists possess a similar binding activity and function, it is assumed that Applicant will examine the non-elected species upon a determination that the elected species are allowable.

Respectfully submitted,

PILLSBURY WINTHROP LLP

By:

Robin L. Teskin
Registration No. 35,030

1600 Tysons Boulevard
McLean, Virginia 22102
(703) 905-2000
(703) 905-2500 Facsimile

Date: October 24, 2002
Attorney Reference: 037003-0280602
/af

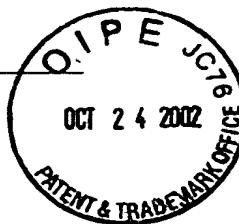
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OCT 25 2002
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Inventor(s): Noelle et al.
 Appln. No.: 09/835,126
 Series Code ↑ Serial No. ↑

Filed: April 16, 2001
 Hon. Commissioner of Patents
 Washington, D.C. 20231



Group Art Unit 1644
 Examiner: P. Gambel
 Atty. Dkt. P 0280602 | 1999-30-0522C1
 M# Client Ref
 Appln. Title: Ex Vivo Treatment of Allogeneic and
 Xenogeneic Donor T Cells Containing
 Compositions (Bone Marrow) Using Gp
 39 Antagonists and Use Thereof

Sir:

REPLY/AMENDMENT/LETTER

Date: October 24, 2002

This is a reply/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated hereinto by reference and the signature below is treated as the signature to the attachment in absence of a signature thereto.

FEE REQUIREMENTS FOR CLAIMS AS AMENDED

1. Small Entity claim	For B & C See Required Separate Paper (Pat-256)
A. <input checked="" type="checkbox"/> NOT made	
B. <input type="checkbox"/> Withdrawn	
C. <input type="checkbox"/> made herewith	
D. <input type="checkbox"/> made previously	

	Claims remaining after amendment	Highest number previously paid for	Present Extra	Large/Small Entity	Additional Fee	Fee Code Lg/Sm
2. Total Effective Claims	**minus 0	0	x \$18/\$9 =	+ \$0	103/203	
3. Independent Claims	***minus 0	0	x \$84/\$42 =	+ \$0	102/202	
4. If amendment enters <u>proper</u> multiple dependent claim(s) into this application for first time (leave blank if this is a reissue application)	add	+ \$280/\$140 =	+ \$0	104/204		
5. Original due Date: October 24, 2002	<input type="checkbox"/> NONE					
6. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached	(1 mo) (2 mos) (3 mos) (4 mos) (5 mos)	\$110/\$55 = \$400/\$200 = \$920/\$460 = \$1,440/\$720 = \$1,960/\$980 =	+ \$0		115/215 116/216 117/217 118/218 128/228	
7. Enter any previous extension fee paid since above original due date and subtract		- \$0				
8.		Extension Fee	+ \$0			
9. If Terminal Disclaimer attached, add Rule 20(d) official fee		+ \$110/\$55	+ \$0	148/248		
10. If IDS attached requires Official Fee under Rule 97 (c), or if Rule 97(d) Request	add add	+ \$180 + \$180	+ \$0	126 126		
11. After-Final Request Fee per rules 129(a) and 17(r)		+ \$740/370	+ \$0	146/246		
12. No. of additional inventions for examination per Rule 129(b).....		x \$740/370 ea	+ \$0	149/249		
13. Request for Continued Examination (RCE)		+ \$740/370	+ \$0	1179/1279		
14. Petition fee for			+ \$0			
15.		TOTAL FEE =	\$0			
16. *If the entry in this space is less than entry in next space, the "Present Extra" result is "0".						
17. **If the "Highest number previously paid for" in this space is less than 20, write "20" in this space.						
18. ***If the "Highest number previously paid for" in this space is less than 3, write "3" in this space.						

Our Deposit Account No. 03-3975)
 (Our Order No. 037003 0280602
 C# M#

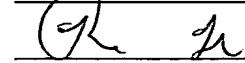
CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

Query: Is appeal deadline now? If so, file Notice of Appeals separately.

Pillsbury Winthrop LLP
 Intellectual Property Group

By Atty: Robin L. Teskin Reg. No. 35,030

Sig:  Fax: (703) 905-2500

Tel: (703) 905-2200

Atty/Sec: RLT/af

NOTE: File this cover sheet in duplicate with PTO receipt and attachments

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